IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION No.21282 of 1994

Between:

Mesram Sumitra Bai.

..... PETITIONER

AND

1.The Superintendent of Police,
Adilabad District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE BILAL NAZKI

Writ Petition No.21282 of 1994

ORDER:

This Writ Petition was decided by this Court on 10-06-2005 directing the respondents to pay compensation of Rs.20,000/- to the petitioner, whose land has been acquired. Land had been taken over without referring to any Land Acquisition

Proceedings. The amount arrived at by this Court was on the basis of the claim made by the petitioner. However, this reasoning has not been accepted by the Division Bench, before which, an appeal was preferred by the writ petitioner-claimant. The Division Bench found fault with the order of this Court on the ground that if the Court had come to the conclusion that the land had been taken forcibly by the respondents, then a direction should have gone to the respondents to resort to the proceedings under the Land Acquisition Act, 1894. This direction was purposefully

not given earlier, as the land had been forcibly taken in the year 1989-1990, sixteen years had passed, and now, if the proceedings are initiated under the Land Acquisition Act, the petitioner will have to wait for many more years to get the compensation. However, the Division Bench having set aside the order of this Court and the petitioner being adamant to receive the compensation as calculated in terms of the Land Acquisition Act, I, after hearing learned Counsel for the parties, direct the second respondent to issue a notification under Section 4(1) of the Act, and pass an award accordingly. The reasons for coming to the conclusion that the land had been

taken forcibly without resorting to the acquisition are same which were mentioned by this Court in its earlier judgment dated 10-06-2005, as those reasons have not been disturbed by the Division Bench.

The Writ Petition is accordingly disposed of. The amount received by the petitioner in pursuance to the judgment of this Court shall be adjusted after the award is passed. If the award passed is for lesser amount than the amount received by the petitioner, the petitioner shall reimburse the same together with interest.

08-09-2006

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